

# **TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

## **November 17, 2003**

PRESENT: Tom Cowan, Chair  
Mark Decker  
Don Hoefler  
Terry Janicz  
John Potera  
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:30 PM.

### Minor Subdivision Application – 1 lot – Greenbush Road

Norman Frey owns a lot with 359.5' of frontage. He wants to split off 130' from this lot, then merge 20' from the adjacent lot owned by Steve Bork, and then sell the total 150' x 440' lot to Dan Bork. This is the first split of this parcel. Beaver Creek runs north/south at the rear property line. Mr. Frey's remaining frontage will be 229.5'. Tom motioned to approve this split, seconded by Don and all approved.

### Site Plan – Parking Lot – Faith Fellowship Church

Dale Bartholomew, Matt Rigerman and Tom Shelberg met with the Board. A site plan and Storm Water Drainage Report were submitted for the Parking Lot Addition Project (paved area will exceed 5000 square feet of impervious material). DOT approval for the U-shaped driveway has been obtained. They will not lay pavement until next summer, and only put down stone now. There is no existing drainage to tie in to, so they will just percolate into the existing grass area. The existing sign will be moved. They can do site prep now. John motioned to approve the site plan, seconded by Mark and all approved with the following conditions: (1) Wendel's approval of the drainage and (2) Erie County Planning's recommendation. A memo will go to the Town Board for their November 24<sup>th</sup> meeting.

### Minutes Review

Terry motioned to approve the minutes as amended from November 3<sup>rd</sup>, seconded by Mark and all approved.

## **OLD BUSINESS**

### Site Plan – Arrowhead Golf Course Clubhouse/Parking – Clarence Center Rd.

The design engineer provided additional information to the Town Engineer regarding location of federal wetlands, which satisfies the SEQR/SHPO requirements. Therefore, Wendel recommended approval of the Phase 3 clubhouse site plan. This will be on the agenda for Town Board action on November 24<sup>th</sup>.

### Change in Use Site Plan Review – John Smith Assembly Hall – Main Road

Mr. Smith paid his site plan fee on 11/12/03. The new location for the septic system has been approved by EC Health Dept and will be started within the next couple of weeks. But what is the growing pile of millings, etc. behind the storage building? Check this out.

### Subdivision – Brown vs. Kelkenberg – Rapids Rd.

The previous meeting resulted in the confirmation that when a parcel is created as the result of a split, five years must pass before it also can be subdivided. Craig Kelkenberg picked up an application for a (timing) variance request to the Zoning Board of Appeals. Subsequently, Christine received a call from his realtor stating that he wanted to list the property on Rapids as two separate lots, and asked if he had subdivision approval. Also, Mr. Brown has not retrieved his \$650 for the split he plans in December 2004.

### Site Plan – Subway – Main Rd.

The building inspector measured 59' from the proposed sidewalk and 74'6" wide from pavement to pavement. The house on this property has no curb cut to the road. The approved change in use has yet to satisfy condition #1 and #2.....(1) provide other access to the house (2) septic system located and approved by Erie County Health Dept. (3) measurement by building inspector must coincide with site plan.

Don recommended parking lot sizes be addressed when reviewing Code changes.

### Utley Road – Pond Drainage

Phillip Harner is the owner of the pond created in 1994 that impedes the natural flow of water and is causing drainage problems for his neighbors. The pond permit has not been found by our Building Dept. or by Erie County Soil & Conservancy. Wendel is actively trying to obtain cooperation from Mr. Harner for mitigation of the problem.

Special Use Permits – Main Road Used Car Dealers

Mr. Belotta cleaned up his lot via landscaping, and he plans to put a car or two for sale there. His neighbor's operation is not much better. Mr. Hauer has four vehicles on his lot today that, when combined, do not even total \$6,000 in value. Both individuals appear to be just using Newstead to satisfy NYS DMV requirements. Mark and John are against permit non-renewal. Terry and Don would like to give them an extended opportunity to comply with their site plans, with direction on how to do this spelled out. This item will again be brought to the next agenda.

Overlay Zone

How many commercial zones should we have? What will the boundaries be? John feels that design standards would eliminate the need for overlay zones. He recommends the ideas in his thesis he wrote 10 years ago (copy is in the Library). A Design Board or Architectural Review Board would be required. The standards would probably be expensive and controversial, but they would be advantageous in maintaining the character and quality of our community. We will discuss this issue at the December 15th meeting (*which may start at 7:00PM*).

John motioned to adjourn the meeting at 9:25 PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Secretary